

## ***Appendix N – Supplementary Rules***

### **TABLE OF CONTENTS**

<i>N.1</i>	<i>Introduction.....</i>	<i>999</i>
<i>N.2</i>	<i>How to Read and Use this Document.....</i>	<i>999</i>
<i>N.3</i>	<i>Summary.....</i>	<i>999</i>
<i>N.4</i>	<i>Authority.....</i>	<i>999</i>
<i>N.5</i>	<i>Process.....</i>	<i>1000</i>
<i>N.6</i>	<i>Rule Creation.....</i>	<i>1000</i>
<i>N.7</i>	<i>Public Process.....</i>	<i>1000</i>
<i>N.8</i>	<i>Public Comment Procedures.....</i>	<i>1001</i>
<i>N.9</i>	<i>Other Procedural Matters.....</i>	<i>1001</i>
<i>N.10</i>	<i>Proposed Supplementary Rules.....</i>	<i>1003</i>
<i>N.10.1</i>	<i>Definitions.....</i>	<i>1004</i>
<i>N.10.2</i>	<i>Alcohol and Drugs.....</i>	<i>1004</i>
<i>N.10.3</i>	<i>Camping.....</i>	<i>1005</i>
<i>N.10.4</i>	<i>Closures.....</i>	<i>1007</i>
<i>N.10.5</i>	<i>Domesticated Animals.....</i>	<i>1007</i>
<i>N.10.6</i>	<i>Firearms.....</i>	<i>1007</i>
<i>N.10.7</i>	<i>Hunting and Fishing.....</i>	<i>1008</i>
<i>N.10.8</i>	<i>Mining.....</i>	<i>1008</i>
<i>N.10.9</i>	<i>OHVs and Mechanized Equipment.....</i>	<i>1009</i>
<i>N.10.10</i>	<i>Other Restrictions.....</i>	<i>1009</i>
<i>N.11</i>	<i>Penalties.....</i>	<i>1010</i>

## ***N.1 Introduction***

The focus of a Resource Management Plan (RMP) is to guide the management of resources, both protection and utilization, and to address issues related to public health and safety. Throughout the RMP, decisions concerning restrictions, prohibitions, and allowable uses are presented to address identified issues or achieve management goals and objectives. In order for these decisions to be effectively put into practice, enforcement is often needed, first to ensure the management decision is properly understood and followed and second to provide for civil and criminal penalties should these restrictions and prohibitions not be followed.

Although many of management decisions can be implemented through existing laws and regulations, often, unique and site-specific restrictions and prohibitions need to be clearly spelled out for ease of understanding and clarity. The BLM's tools to achieve this are closure and restriction orders, supplementary rules, and special rules.

## ***N.2 How to Read and Use this Document***

This document addresses the process by which the supplementary rules will be enacted, including public involvement opportunities and the proposed supplementary rules themselves as they pertain to the proposed plan alternative (Alternative B). Similar rules would be implemented under other alternatives, although the size, scope, and levels of restriction would change. These supplementary rules for the other alternatives are not presented, so as to not confuse or reduce the clarity of the proposed rules.

## ***N.3 Summary***

The proposed supplementary rules include all closure and restriction orders, and supplementary rules presented throughout Alternative B. This includes rules divided into 9 subsections for ease of understanding, implementation, and enforcement. The justification and reasoning behind each restriction or prohibition is presented throughout the RMP in Chapter 2 - Alternatives, Chapter 3 - Affected Environment, and Chapter 4 - Environmental Consequences.

## ***N.4 Authority***

The regulations that allow for the creation and enforcement of closure and restriction orders, supplementary rules, and special rules are issued in the Code of Federal Regulations (CFR), 43 CFR, under the provisions of the following:

- Federal Land Policy and Management Act of 1976 (43 USC, 1701 et seq.);
- Sikes Act (16 USC, 670g);
- Taylor Grazing Act (43 USC, 315a);
- Wild and Scenic Rivers Act (16 USC, 1281c);
- Act of September 18, 1960, as amended (16 USC, 877 et seq.);
- Land and Water Conservation Fund Act (16 USC, 460l-6a); and
- National Trails System Act (16 USC, 1241 et seq.).

The authority is specifically given in the following regulations:

- Supplementary Rules (43 CFR, 8365.1-6);
- Closure and Restriction Orders (43 CFR, 8364.1); and
- Special Rules (43 CFR, 8341.2 and 8351.2-1).

## ***N.5 Process***

The process of creating and enacting supplementary rules and closure or restriction orders, involves several steps, including creation and development of rules, public comment and feedback, and final publication.

For the purposes of this process, all existing rules affecting the Bakersfield FO planning area are assumed to be rescinded and replaced. This resolves several issues that have developed over the years, including boundary changes, acquired lands, and obsolete rules. In addition, presenting all the rules, updated and rewritten in a consistent manner, aids in understanding and ability to enforce.

## ***N.6 Rule Creation***

The process of creating supplementary rules begins with the management actions presented in Chapter 2, Alternatives of the RMP. These decisions essentially create restrictions and prohibitions that need to be backed with written rules to ensure they are fully understood and enforceable.

In many cases the process of creating rules is intuitive, e.g., a restriction on access to a specific area for protection of a resource result in a rule stating access to that area is prohibited; as such, the justification behind the rules is self-explanatory.

In some cases the proposed rules respond to specific identified issues, which may or may not be directly addressed in the RMP, but respond to an existing need. For efficiency, this type of rule is included with the rules resulting from specific RMP decisions to provide a complete version of the proposed supplementary rules that would go into effect.

## ***N.7 Public Process***

In order for special rules to be implemented, a public process is required to be undertaken. As outlined in 43 CFR, 8365.1-6, specific steps are taken to ensure interest groups and public lands users are adequately informed of newly proposed rules before they go into effect.

The first step of this process is the publication of a proposed set of rules and then a period for public response and comment. This appendix within the RMP and the associated notices, press releases, and public meetings serve as the opportunity for the public to review and comment on the proposed rules, along with the RMP as a whole. This appendix has also been made available as a stand-alone document at the BLM's Bakersfield Field Office and various other locations throughout the region. In addition, the RMP and this appendix are available for download on the BLM's Bakersfield FO Web site at <http://www.ca.blm.gov/bakersfield>.

During the public process, reviewers are encouraged to comment on several elements of the proposed rules, including consistency and clarity. Specifically as it relates to clarity, Executive Order 12866

requires each agency to write regulations that are simple and easy to understand. As such, comments on how to make these supplementary rules easier to understand are encouraged, including answers to the following questions:

- Are the requirements in the supplementary rules clearly stated?
- Do the supplementary rules contain technical language or jargon that interferes with their clarity?
- Does the format of the supplementary rules (for example, grouping and order of sections, use of headings, and paragraphing) aid or reduce their clarity?
- Would the supplementary rules be easier to understand if they were divided into more (but shorter) sections?

After public comments have been addressed and in conjunction with the Notice of Availability for the Final RMP, final supplementary rules will be made available through similar channels as the proposed rules, including press releases, publication in the *Federal Register*, the BLM's Bakersfield FO Web site and at BLM locations through which the public can receive information.

## ***N.8 Public Comment Procedures***

Written comments on the proposed supplementary rules should be specific, should be confined to issues pertinent to the proposed supplementary rules, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the rule that the comment is addressing. The BLM is not obligated to consider or include in the Administrative Record for the proposed supplementary rules (a) comments that the BLM receives after the close of the comment period, unless they are postmarked or electronically dated before the deadline, or (b) comments delivered to an address other than those listed.

All comments on the proposed rules should be mailed or hand-delivered to Susan Porter, Planning and Environmental Coordinator, BLM, Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, California, 93308.

Comments, including names, street addresses, and other contact information of respondents, will be available for public review at the BLM's Bakersfield Field Office, 3801 Pegasus Drive, during regular business hours, Monday through Friday, except federal holidays. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

## ***N.9 Other Procedural Matters***

In addition the public process described, creation and enactment of additional regulations is guided by a myriad of legislation. As such, the following we're given consideration as part of the development of these proposed supplemental rules:

***National Environmental Policy Act (NEPA)***

These rules have been developed in conjunction with the RMP and associated EIS. The rules themselves and the actions to support and justify do not constitute a major federal action significantly affecting the quality of the human environment under Section 102(2)(C) of NEPA, 42 USC, 4332(2)(C). The public is invited to comment on the RMP, along with these rules, in accordance with the public comment procedures outlined.

***Regulatory Flexibility Act***

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended, 5 USC, 601-612, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These rules establish allowable, restricted and prohibited uses and rules of conduct for public use of specific public lands. Therefore, the BLM has determined under the RFA that these rules would not have a significant economic impact on a substantial number of small entities.

***Small Business Regulatory Enforcement Fairness Act***

These proposed supplementary rules do not constitute a “major rule,” as defined at 5 USC, 804(2).

***Unfunded Mandates Reform Act (2 USC, 1531 et seq.)***

These proposed supplementary rules do not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year; nor do these supplementary rules have a significant or unique effect on state, local, or tribal governments or the private sector.

***Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights (Takings)***

These proposed supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. The supplementary rules do not address property rights in any form and do not cause the impairment of one's property rights. Therefore, the BLM has determined that these proposed supplementary rules would not cause a “taking” of private property or require further discussion of takings implications under this Executive Order.

***Executive Order 13132, Federalism***

The proposed supplementary rules will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. These supplementary rules do not conflict with any California state law or regulation. Therefore, in accordance with Executive Order 13132, the BLM has determined that these supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

***Executive Order 12988, Civil Justice Reform***

Under Executive Order 12988, the BLM California State Office has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet requirements of sections 3(a) and 3(b)(2) of the Order.

***Executive Order 13175, Consultation and Coordination with Indian Tribal Governments***

In accordance with Executive Order 13175, the BLM has found that these proposed supplementary rules do not include policies that have tribal implications. The supplementary rules do not affect Indian resource, religious, or property rights.

***Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use***

These proposed supplementary rules do not comprise a significant energy action. The rules will not have an adverse effect on energy supply, production, or consumption and have no connection with energy policy.

***Executive Order 13352, Facilitation of Cooperative Conservation***

In accordance with Executive Order 13352, the BLM has determined that the proposed supplementary rules will not impede facilitating cooperative conservation, will take appropriate account of and consider the interests of persons with ownership or other legally recognized interests in land or other natural resources, will properly accommodate local participation in the federal decision making process, and will provide that the programs, projects, and activities are consistent with protecting public health and safety. These rules merely establish rules of conduct for recreation on certain public lands.

***Paperwork Reduction Act***

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 USC, 3501 et seq.

***Information Quality Act***

In developing these proposed supplementary rules, the BLM did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Section 515 of Pub. L. 106-554).

***N.10 Proposed Supplementary Rules***

The following constitute the proposed supplementary rules, closure, and restriction orders and special rules to be enacted concurrently with the final RMP, based on selection of Alternative B (the Proposed Plan Alternative). For clarity and ease of understanding, the rules are broken down into subsections, grouping rules relating to similar issues together. Definitions used throughout the rules are provided first.

### ***N.10.1 Definitions***

The following definitions apply to the proposed supplementary rules, unless modified within a specific part or regulation:

- (a) Drug paraphernalia means equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. It includes diluting agents or substances.
- (b) Motor vehicle means any vehicle that is self-propelled by a non-living power source, including a vehicle that is propelled by electric power. Exempt from this definition are motorized wheelchairs.
- (c) Operator means any person who operates, drives, controls, or otherwise has charge of a mechanical mode of transportation or any other mechanical equipment.
- (d) Public lands mean any lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management without regard to how the United States acquired ownership. This includes paved or unpaved parking lot or other paved or unpaved area where vehicles are parked or areas where the public may drive a motorized vehicle, paved or unpaved roads, routes, or trails.
- (e) Firearms means any weapon capable of firing a projectile, including but not limited to a rifle, shotgun, handgun, BB-gun, pellet gun, or paintball gun.
- (f) Airsoft and Paintball activities mean any recreational activity that involves the use of replica firearms to fire non-lethal, plastic or form pellets, or paint-laden capsule, through the use of compressed gas or electric and/or spring driven pistons. Activities may include shooting targets or games/combat situations involving multiple people.
- (g) Sunrise to sunset means those specific times published by the US Navy Astronomical Applications Department, when the upper edge of the disk of the Sun is on the horizon, considered unobstructed relative to the location of interest.
- (h) Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface by any graffiti implement, to the extent that the graffiti was not authorized in advance by the Bureau of Land Management.
- (i) Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

### ***N.10.2 Alcohol and Drugs***

- (a) ***Operation of a Motor Vehicle while under the influence of alcohol or drugs***—It shall be illegal to operate or be in actual physical control of a motor vehicle on public lands while under the influence of alcohol, or a drug, or drugs or any combination thereof, to a degree

that renders the operator incapable of safe operation of that vehicle; or the alcohol concentration in the blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. If the State of California establishes by statute a more restrictive standard of alcohol concentration than that defined in this supplementary rule, that more restrictive standard is hereby adopted and made a part of this supplementary rule and supersedes the standard specified in the preceding sentence.

- (b) ***Open Container of Alcoholic Beverage***—It shall be illegal to carry or store a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken or the contents of which have been partially removed, within a motor vehicle on public lands. Each person within a motor vehicle is responsible for complying with the provision in this section that pertains to carrying an open container. The operator of a motor vehicle is the person responsible for complying with the provisions of this section that pertain to the storage of an open container. This section does not apply to:
  - (i) An open container stored in the trunk of a motor vehicle or, if a motor vehicle is not equipped with a trunk, to an open container stored in some other portion of the motor vehicle designed for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers. For the purpose of this section, a utility compartment or glove compartment is deemed to be readily accessible to the operator and passengers of a motor vehicle; or
  - (ii) An open container stored in the living quarters of a motor home or camper; or
  - (iii) Unless otherwise prohibited, an open container carried or stored in a motor vehicle that is parked and the vehicle's occupant(s) are camping.
- (c) ***Possession of Alcohol by a Minor***—Consumption or possession of any alcoholic beverage by a person under 21 years of age and the selling, offering to sell, or otherwise furnishing or supplying any alcoholic beverage to a person less than 21 years of age, on public lands is prohibited. This does not apply to the selling, handling, serving, or transporting of alcoholic beverages by a person in the course of his lawful employment by a licensed manufacturer, wholesaler, or retailer of alcoholic beverages.
- (d) ***Possession of Drug Paraphernalia***—Possession of drug paraphernalia, as defined in C.1 – Definitions (a), by any person on public lands is prohibited.

### ***N.10.3      Camping***

- (a) ***Camping Time Limit***—Camping within designated campgrounds is limited to 14 days within any 90-day period; unless otherwise noted at the campground.
- (b) ***Dispersed Camping Time Limit***—Dispersed camping is limited to 14 days within any 90-day period. After the 14th day, campers must move beyond a 25-mile radius of their previous camp.
- (c) ***Dispersed Camping Parking***—Parking for dispersed camping (including cars, trucks, recreation vehicles, and trailers [“fifth wheels”]) is restricted to one vehicle width from the edge of the designated route, designated for use of the type of vehicle which is parked.



- (d) ***Dispersed Camping location restrictions***—Dispersed camping is prohibited within:
  - (i) Any area identified for day-use;
  - (ii) Any area or site with identified campsites;
  - (iii) 25 yards of any freshwater source; and
  - (iv) 100 yards of any suitable segment of a Wild and Scenic River categorized as either wild or scenic.
- (e) ***Day-Use Only***—It shall be unlawful to stay beyond sunset or arrive before sunrise, as defined in N.10.1 – Definitions (g), in any area identified for “Day Use Only,” unless specific written authorization is provided by the BLM. This prohibition is applied to the Ancient Lakeshores ACEC, Bitter Creek ACEC, Compensation Lands ACEC, Cypress Mountain ACEC, Cyrus Canyon ACEC, Hopper Mountain ACEC, Los Osos ACEC, Pt. Sal ACEC, Tierra Redonda ACEC, Atwell Island ERMA, Fresno River ERMA, Piedras Blancas ONA, and the BLM land within the Frog Pond, and Salinas River areas of ecological importance.
- (f) ***Use of Campfires***—Campfires, camp stoves, and charcoal grills are permitted on BLM-administered public lands within the Bakersfield Field Office, on receipt of a California State Fire Permit and in accordance with prevailing fire conditions and restrictions, unless otherwise prohibited through these supplemental rules, such as in day-use only areas or by California state or county regulation. Permit must be in posses while maintaining a campfire, camp stove or charcoal grill and all permit terms and conditions must be adhered to.
- (g) ***Burning of Treated Lumber***—It is unlawful to burn treated lumber and woody materials containing hardware (nails and screws) on public lands.
- (h) ***Collection of Combustible Material***—Collection of all combustible materials from public lands is prohibited, except for dead and downed woody materials no greater than 4 inches in diameter. Standing tree—whether living or dead—may not be cut without authorization. Materials must be collected with hand tools only (for example, an axe or saw), and all material must remain to be burned on-site; any removal of such material requires a collection permit.
- (i) ***Campfires in Day-Use Only Areas***—In areas designated for day-use only, campfires and the collection of combustible materials for use in a campfire are prohibited. The use of camp stoves and charcoal grills is allowed, in accordance with prevailing fire restrictions.
- (j) ***Other Campfire Restrictions***—Campfires and the collection of combustible materials for use in campfires are prohibited in the Ancient Lakeshores ACEC, Bitter Creek ACEC, Compensation Lands ACEC, Cypress Mountain ACEC, Cyrus Canyon ACEC, Hopper Mountain ACEC, Kettleman Hills ACEC, LoKern-Buena Vista ACEC, Los Osos ACEC, Pt. Sal ACEC, Piute Cypress ACEC, Tierra Redonda ACEC, and Atwell Island, Frog Pond, Irish Hills and Salinas River areas of ecological importance.

#### ***N.10.4 Closures***

- (a) ***Public Closure***—The following areas are closed to general public access; authorized, permitted, emergency and administrative access is still permitted: Oil fields with oil well densities higher than 20 wells per 40 acres, the raft launch at Granite Launch; Paradise, Advance and Cherry Falls Recreation Sites; and Granite Cave.
- (b) ***Seasonal Closure***—Public access to the recreation site at Advance, along the North Fork of the Kaweah River is prohibited from April 30th through September 30th each year, unless specifically authorized through a BLM-issued permit.

#### ***N.10.5 Domesticated Animals***

- (a) ***Domesticated Animal Control***—Domesticated animals shall remain under their owners control at all times. Within the following areas, all domesticated animals are required to be on a leash: Atwell Island Project (not wetland areas), Wallow Rock RMZ, Dam RMZ, and Gold Fever RMZ.
- (b) ***Domesticated Animals at Atwell Island***—All domesticated animals are prohibited from the areas of wetland restoration within the Atwell Island Project.
- (c) ***Domesticated Animal Waste***—It shall be unlawful to fail to remove and appropriately dispose of waste deposited by a domesticated animal at any developed site on public lands, including campgrounds, picnic areas, and paved parking areas.
- (d) ***Domesticated Animal Abandonment***—It shall be unlawful for any person to willfully abandon a domesticated animal on public lands.

#### ***N.10.6 Firearms***

Unless specifically addressed by regulations set forth in 43 CFR, the laws and regulations of the State of California and the counties of Kern, Tulare, Fresno, Madera, San Luis Obispo, Ventura, Santa Barbara, and Kings shall govern the use and possession of firearms. Such state and county laws and regulations that are now in effect or that may later be in effect are hereby adopted and made part of these supplemental rules.

- (a) ***Discharge of Firearms***—It shall be unlawful to discharge a firearm, as defined in N.10.1 – Definitions (e), unless hunting with a valid state hunting license and in accordance with the laws or law enforcement officers in the performance of their duties, within the following areas: The Dam, Wallow Rock, and Gold Fever RMZs.
- (b) ***Prohibition of Airsoft and Paintball Activities*** - It shall be unlawful to engage in airsoft and paintball activities, as defined in N.10.1 – Definitions (f) within the following areas; Ancient Lakeshores, Compensation Lands, and Cyrus Canyon ACECs.
- (c) ***Limitation on Airsoft and Paintball Activities*** - It shall be unlawful to engage in airsoft and paintball activities, as defined in N.10.1 – Definitions (f), without a Special Recreation Permit within the following areas; Atwell Island ERMA, Case Mountain ERMA, and Kaweah ACEC.
- (d) ***Target Shooting***—Target shooting, where allowed, is governed by the following rules:
  - (i) Target shooting may occur only where a suitable backdrop exists to prevent ammunition from travelling excessive distances.

- (ii) Target shooting is not permitted across any designated route of travel or across any body of water, including flowing rivers and streams, lakes, and ponds.
- (iii) Target shooting is not permitted within 150 yards of any man-made object (except targets), structure, camp, or dwelling.
- (iv) Targets must be retrievable and suitable for the purpose. Rocks, trees, and other natural features, cultural or historic artifacts, glass, household trash, appliances, cars, and signs do not constitute targets.
- (v) All materials used for targets must be retrieved on completion of target shooting, and removed from BLM lands. This includes all spent shells and cartridges.
- (vi) Skeet/clay pigeon shooting and any similar style of target shooting that disperses targets in an irretrievable fashion is prohibited.
- (e) ***Airsoft and Paintball:*** Airsoft and paintball activities, where allowed, are governed in accordance with the following guidelines and in adherence with state and federal and manufacturer safety instructions:
  - (i) Airsoft and paintball are not permitted across any designated route of travel or across any body of water, including flowing rivers and streams, lakes, and ponds.
  - (ii) Airsoft and paintball are not permitted within 150 yards of any man-made object, structure, camp, or dwelling, unless such structure is specifically designed and permitted for use in those activities.
  - (iii) Biodegradable ammunition must be used.
  - (iv) All materials associated with air-soft and paintball must be retrieved on completion of the activities.

### ***N.10.7 Hunting and Fishing***

Unless specifically addressed by regulations set forth in 43 CFR, the laws and regulations of the State of California and the California Department of Fish and Game and the supplemental rules below shall govern hunting on BLM-managed public lands within the BKFO; any specific state laws regarding hunting and fishing are hereby incorporated.

- (a) ***Hunting***—In the following areas all forms of hunting are prohibited, unless specifically allowed through and by BLM authorization or permit; (i) The Dam RMZ, (ii) Wallow Rock RMZ, (iii) Gold Fever RMZ, and (iv) the BLM land within Atwell Island ERMA.
- (b) ***Fishing***—All forms of fishing are prohibited, unless specifically allowed by BLM authorization or permit, in the BLM-managed waters within the restoration area at Atwell Island.

### ***N.10.8 Mining***

The supplementary rules below apply only to casual use, as defined in 43 CFR, 3809.5:

- (a) Casual use (recreational mining and prospecting) is governed by the following rules:
  - i. Casual Use does not include the disturbance to trees (DBH 4" and greater) and shrubs (taller or wider than 3'); including their root areas (i.e., removal or undermining of these vegetation types will require at a minimum a Notice);

- ii. Casual Use does not include any operations on or within 30ft of the centerline of designated routes and trails;
- iii. Casual Use does not include any activity that pumps water from water courses for any purpose, except in association with Suction Dredging;
- iv. Casual Use does not include the removal of more than one cubic yard of material from the site for offsite processing;
- v. Casual Use does not include activity that creates high walls in excess of 3ft or undermines earthen banks, large rocks, or boulders.
- vi. Casual Use does not include any high-banking, hydraulic mining, and ground sluicing;
- vii. Casual Use does not include any sluices, riffle boxes, and dry washers with collecting surfaces of greater than ten square feet;
- viii. Casual use does not include any disturbance that would result in an adverse effect, as described by Section 106 of the NHPA, to listed, eligible and those sites being treated as eligible until formal eligibility evaluations have been completed; and
- ix. Casual Use will abide by the discovery clause; whereby all activity will cease upon discovery of any subsurface archaeological, historical, or paleontological remains. The discovery must be left intact and reported to the BLM immediately. Operations may only resume on clearance by the BLM and may require the filing of a Notice or Plan of Operations.

#### ***N.10.9 OHVs and Mechanized Equipment***

- (a) ***Cross-Country Travel***—Cross-country travel off designated routes is prohibited for all motorized and mechanized vehicles, except in designated OHV “open” areas and by uses exempted by 43 CFR, 8340.0-5(a).
- (b) ***Edge of Road***—Any vehicle beyond 15 feet from the edge of the disturbed surface of a designated route would be considered to be travelling across country.
- (c) ***Use of Designated Routes***—It shall be unlawful to use a route in a manner for which it is not designated, e.g., use of a designed “authorized” route by an unauthorized user.

#### ***N.10.10 Other Restrictions***

- (a) ***Advertising and Commercial Signs***—No person or organization shall announce, advertise, or call to public attention in any way any article, service, or thing for sale or hire, or paste, tack, or otherwise post any commercial sign, placard, or advertisement on public lands without prior authorization from the BLM.
- (b) ***Bridge Jumping***—It shall be unlawful to jump from the foot bridge over the San Joaquin River.
- (c) ***Concessions, Vending, and Peddling***—It shall be unlawful for any person or organization to operate a concession or expose or offer for sale any service, article or thing, nor shall any person or organization on public lands operate any stand, cart, or vehicle for the

transportation, sale, or display of such items, unless specifically authorized through a Special Recreation Permit issued to include vending.

- (d) **Defacement**—It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any BLM managed lands.
- (e) **Fireworks and Explosives**—Fireworks and explosives of any kind are prohibited on all public lands within the Bakersfield Field Office, without express authorization from the BLM.
- (f) **Memorialization**—It shall be unlawful for any person or organization to establish, erect, or define a memorial site on public lands without prior written authorization from the BLM. Memorial sites include the erection of religious symbols, creation of shrines, the placement of placards or other items identifying persons, events, animals, or other things that may be memorialized.
- (g) **Noncommercial Signs**—No person or organization shall announce, advertise, or call to public attention in any way any article, service, or location, or paste, tack, or otherwise post any sign or placard on public lands without prior authorization from the BLM.
- (h) **Obstructions across rivers**—It shall be unlawful to tie any obstruction from one bank of a river to the other, including cables, ropes, and rafts.
- (i) **Personal Property**—Personal property left unattended without prior authorization for at least 72 hours is deemed abandoned and can duly be removed and disposed of by the United States Government, the Bureau of Land Management, or any person acting on its behalf.
- (j) **Possession of Graffiti Implements**—It shall be unlawful for any person to possess any graffiti implement while in or on any BLM-managed lands, unless otherwise authorized.

## **N.11 Penalties**

Under the Federal Land Policy and Management Act of 1976, 43 USC, 1733(a), if you violate or fail to comply with these supplementary rules, you may be subjected to imprisonment for not more than 12 months, or a fine in accordance with 18 USC 3571, other penalties in accordance with 43 USC, 1733, or both.